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partnerships and surveillance

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Corporate responses to stakeholder activism: partnerships and surveillance

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Abstract

Purpose: Corporations are increasingly expected to act responsibly. The purpose of this article is to examine two types of corporate responses to these expectations, overt and covert responses. Specifically, it examines (i) oil companies' involvement in multi-stakeholder initiatives and sponsorships (overt responses) and (ii) their monitoring of critics, including NGOs and activist organisations (covert responses).

Design: Theoretically, the article draws on theories of visibility and post-political regulation. Empirically, it focuses on the EITI, Shell and BP.

Findings: The article demonstrates (i) that overt responses create an impression of consensus between antagonistic interests and (ii) that covert responses support this impression by containing deep-seated conflicts.

Originality: The article contributes to the understudied area of covert corporate activity in research on the political role of multinational corporations.

Key words: CSR; visibility; social media, post-political regulation ; social movements; corporate surveillance

Introduction: social media, activism and corporate visibility

Recent reporting on dangerous and unethical business practices gestures towards an increased visibility of corporations. This tendency is facilitated by the Internet, which has been heralded for its potential for enabling citizens to hold government and corporations to account. NGOs, activist groups, and individual citizens can

“hold a corporate logo hostage in the media until shareholders or corporate managers regard the bad publicity as an independent threat to a carefully cultivated brand image” (Bennett, 2003, p. 152; see also O’Callaghan, 2007). On closer inspection, however, this is a two-way street. Besides empowering citizens, the Internet facilitates government and corporate monitoring of citizens (Ellerbrok, 2010; Monahan et al, 2010). Governments’ monitoring of citizens is examined in important research in the field of surveillance studies (see Fuchs et al., 2012; Hier and Greenberg, 2007; Lyon et al., 2014; Lyon, 2007). But corporate monitoring of citizens is still under-researched (Lubbers, 2012; Zyglidopoulos and Fleming, 2011; Pickerill, 2003).

In this article we examine corporate responses to these new conditions of visibility. We propose a distinction between overt and covert corporate responses. *Overt* corporate responses refer to open involvement in multi-stakeholder initiatives and sponsorships such as the Forest Stewardship Council (FSC), the Extractive Industries Transparency Initiative (EITI), the UN Global Compact, and cultural institutions sponsored by business (e.g. Moog et al., 2014; Chong, 2012). *Covert* corporate responses include the often clandestine monitoring of criticism from NGOs and activist organisations. By examining the dynamics of overt and covert corporate responses this article contributes to research on the political role of multinational corporations, which has mainly focused on overt corporate responses. The study shows how both types of responses can background conflicting interests between business and society. Overt responses often revolve around corporate social responsibility (CSR). Here, involvement in multi-stakeholder initiatives is seen as a win-win solution, contributing to an emerging post-political order. Covert responses often involve monitoring critics in order to contain their criticism. We draw on cases from the oil industry. The oil industry provides a pertinent focal point, as high-profile disasters, accusations of economic exploitation and political complicity have rendered the industry a site of controversy, with civil society groups bringing companies’ problematic practices into the limelight, notably through online media (Den Hond et al., 2014; Du and Viera, 2012). In response, companies have tried to protect their reputation in two main ways: (1) by participating in overt initiatives, typically under the heading of transparency, sustainability and CSR, and (2) by employing covert strategies such as surveillance of critics who question corporate motives and societal benefits of CSR initiatives.

The article is organised in five sections. First, we introduce a theoretical framework, drawing on theories of visibility, surveillance and the political role of business. Next, we introduce our cases and methodological considerations. Third, we analyse selected initiatives of overt corporate interactions with society, exemplified by the Extractive Industries Transparency Initiative (EITI) and cultural sponsorship. Fourth, we analyse the covert responses by BP and Shell to civil society critics, exemplified by oil companies' surveillance of activists' online communication. In the concluding section, we reflect on the significance of overt and covert corporate practices in the oil industry, and discuss the implications of our findings for future studies on corporate interactions with society.

Visibility and post-political regulation

The role of the media, and especially online media, in granting visibility is paramount to understanding challenges to corporate legitimacy, and ultimately, the political role of corporations. However, questions about legitimacy and the political role of corporations require a closer look at visibility. Much existing research focuses on corporations' legitimacy-enhancing initiatives and their visibility (Golob and Bartlett, 2007). This focus tends to reinforce the assumption that organisations always wish to be visible or at least are not opposed to the concept of transparency (Coombs and Holladay, 2013). However, not all organisations strive for visibility (Scott, 2013). Examples include fraternal orders, organised crime and intelligence organisations to keep their activities hidden from the public eye (Albu and Flyverbom, 2013, Scott, 2013). But also otherwise highly visible organisations can choose to keep crucial aspects of their conduct concealed, because the conduct is controversial, stigmatised or even illegal. Research shows how both companies and governments justify keeping certain aspects of their conduct hidden, using clauses such as 'commercial-in-confidence' (Birchall, 2011). The literature on transparency and accountability has highlighted how organisations can appear as highly visible, while socially and environmentally detrimental aspects of their conduct remain invisible (Zyglidopoulos and Fleming, 2011; Uldam, 2016).

These ambiguous dimensions of visibility management indicate a much more complex organisational reality than suggested by research on publically visible corporate legitimacy work. The point can

be usefully elaborated by drawing on Lübbers' (2012) distinction between overt and covert corporate strategies. From this vantage point, overt strategies refer to organisations' branding and image work through activities such as CSR communication and sponsorships. Covert strategies include lobbying, undisclosed collaborations and surveillance of critics. These dynamics of visibility and invisibility are significantly influenced by the media. In pointing to the role of the media as key to the relation between visibility and power, Thompson (1995, 2005) argues that in our media-saturated societies social actors have increasingly become visible to wider publics.

Thompson (1995, 2005) draws on Foucault's (1977) notion of panopticism as a mechanism of control. Inspired by Jeremy Bentham's model of the Panopticon, Foucauldian panopticism engenders self-discipline by enabling constant scrutiny of the many by the few. However, the advent of the Internet enables the many to scrutinise the few (Thompson, 2005). Such practices have variously been characterised as synopticism, counterveillance, counterveillance and sousveillance (e.g. Cammaerts, 2015; Ganesh, forthcoming; Marx, 2003; Mathiesen, 1997). In this way, visibility in online media encompasses a double capacity for rendering both the few and the many visible. This resonates well with Foucault's notion of disciplinary power through the promise of visibility or threat of omniscient surveillance. The panoptic and synoptic capacities of online media in enabling visibility present both reputational opportunities and challenges (Thompson, 2005). On the one hand, the media grant visibility to social actors. For example, media-savvy politicians might benefit from being at the centre of public attention. On the other hand, the conducts of politicians are made visible by the media beyond their control. This development is augmented and made more complex by the proliferation of the Internet as they simultaneously provide new possibilities for staging self-representations and render political leaders increasingly vulnerable to the scrutiny of civil society actors (Thompson, 2005). These challenges are no less relevant to corporations. The Internet enables civil society actors to expose corporate practices and misconduct to wider publics. Consequently, for those in power, including political and corporate actors, it has become more difficult to hide activities and control the disclosure of information (Uldam and Askanius, 2013; Chouliaraki and Morsing, 2010; Zyglidopoulos and Fleming, 2011).

These dialectics of visibility create new challenges for the perceived legitimacy of corporations (Chouliaraki and Morsing, 2010; Palazzo and Scherer, 2006). With the proliferation of Internet technologies companies need to justify and protect their legitimacy – and thus manage what is visible – to an expanded circle of stakeholders, including NGOs, social movements and wider publics (Crane, Matten and Moon, 2004).

However, Internet technologies not only grant visibility to political and corporate actors, but also to civil society actors. In doing so, Internet technologies provide new opportunities for governments and corporations to monitor civil society actors' activities so as to regain control of their own visibility (Mansell, 2012). This re-actualizes Foucault's notion of disciplinary power through the panoptic visibility of the many. Digitization enables companies to collect intelligence about their stakeholders, including consumers, competitors and civil society critics (Couldry and Turow, 2014). This includes risk assessments and sentiment analyses of a variety of types of information, including big data collected on the basis of users' online activities such as click patterns, search terms, Facebook likes and updates (Boyd and Crawford, 2012; Dahlgren, 2013). Importantly, it also involves collecting data on individual citizens collected by monitoring the content that particular critics post online (Hansen and Uldam, 2015). Computational tools, algorithms and multimodal platforms can potentially help civil society actors access and circulate information in unprecedented ways. However, these technologies are embedded in unequal power relations that privilege government and corporate elites and their capacity to monitor the many (Curran et al., 2012). It is in this respect that Foucault's notion of disciplinary power through the visibility of the many still bears relevance. From the perspective of corporate critics, the Internet simultaneously provides experiences of empowerment and disempowerment (Ellerbrok, 2010; Thompson).

In this way, visibility today is a two-way street, which is closely connected to power relations. Consequently, questions as to how corporations manage their visibility should not only be addressed by investigating their overt responses to society. It is also necessary to investigate their covert responses, such as the monitoring of critical voices and the pre-emption of their potential challenges to corporate reputation. These struggles for (in)visibility play a key role in defining the political role of corporations and their regulatory significance.

The Political Role Of Corporations: Consensus, Conflict And Post-Political Regulation

Scherer and Palazzo (2011) argue that the decline in the governance capability of nation states has blurred the traditional division of responsibility between corporations and governments. Corporations now assume political and social responsibilities that go beyond legal requirements. New forms of governance are emerging with private actors in important self-regulatory roles. Voluntary standards, codes of conduct and soft law, which do not need government enforcement or state sanctions, now operate as important regulatory mechanisms. The surge of schemes for voluntary corporate governance (e.g. multi-stakeholder partnerships, certification schemes and ranking systems developed and issued by non-state or hybrid actors) is part of this picture (de Jonge, 2011; Scherer and Palazzo, 2011). The regulatory significance of the rise of private actors in governance has usefully been discussed under various headings such as ‘private authority’, ‘collaborative governance’, ‘privatized governance’, ‘multi-stakeholder regulation’, and ‘reputation risk regulation’ (e.g., Hansen, 2008; Hall and Biersteker, 2002; Murphy, 2011). Although theoretical approaches and empirical foci differ widely, these literatures address the blurred boundaries between the public and the private, linking the new self-regulatory capacities of corporations and the increasing importance of soft law to private actor legitimacy in national and global politics.

The focus on the political role of corporations along with the growing attention towards the mediatization of corporate visibility is important for our understanding of the (self)regulatory activities of business in politics. In this article, we extend these discussions to include the notion of the post-political. Garsten and Jacobson’s (2013) analysis of CSR initiatives is a useful starting point. Drawing on Mouffe’s (2005) concept of the post-political, they suggest that voluntary regulatory arrangements such as public-private partnerships and CSR are pervaded by ideologies of consensus and harmony. From this perspective, post-political regulation carves out a particular niche for corporations, assigning to them socio-moral obligations that have traditionally been considered part of state and inter-state domains. Post-political regulation thus operates beyond hard regulation and state power. It relies on the assumption that antagonism and conflict are manageable through new forms of cooperation and consensus-seeking mechanisms, often framed as corporate

ethical and moral commitments. The struggle is no longer between “left and right”, but rather between “right and wrong” (Garsten and Jacobson, 2013). This is particularly so in the transnational realm where the state cannot rule in traditional ways, and where there has been an exponential growth in CSR frameworks, including multi-stakeholder partnerships, new evaluation and auditing programmes. These are often carried out in the name of the public good, for ethical commitments and the need to close governance gaps (Sadler and Lloyd, 2009). As such, these schemes epitomize the neoliberal ethos of corporate citizenship and the idea that market logics and sustainability are not contradictory (Dine, 2008; Hanlon, 2011; Hanlon and Fleming, 2009). This move to soft regulation relies on the premise that CSR can take us beyond conflicts of interest between profit and sustainability. It is this nexus between market logics, ethics and sustainability that creates the impression of a post-political condition:

...the Market and liberal modes of thought not only linger behind these types of post-political regulation, but are constitutive of them....In the field of post-political regulation, ethical considerations are brought into alliance with the ethos of neo-liberal politics: choice, voluntarism, personal responsibility, and self-government (Garsten and Jacobssen, 2013, p. 433).

Because post-political modes of regulation provide an impression of potential consensus, they also underplay power relations and differing interests. For example, social movement groups often point to discrepancies between corporations’ self-representations as good corporate citizens and the de facto practices of these corporations. Such controversies challenge the consensus assumptions of voluntary CSR. One response by companies has been to expand their visibility strategies from overt to also include covert strategies. The following sections provide empirical illustrations of our argument drawn from research in the oil industry. But first we account for our methods and reflect on their strengths and weaknesses.

Data and methodological reflections

Our analysis of oil companies’ responses to criticism in online media is based on files on specific civil society individuals obtained through Subject Access Requests under the Data Protection Act 1998ⁱ. The Subject Access Request files were obtained through five requests to Shell and BP. Each file is between eight and 25 pages. They contain documents about the individuals who submitted the requests.ⁱⁱ This includes photos and links to

video footage. The Shell files date from October 2010 to June 2012 and include email correspondence between Shell employees. The BP files date from April to August 2012 and include email correspondence between BP employees, emails sent to others by the individuals who have submitted the requests and a “Major Personality Report” on civil society critics at BP’s AGM in 2012. Both the Shell and BP files have been redacted. Some documents have been omitted, because the requested information “no longer exists” or might “prejudice commercial interests”ⁱⁱⁱ. Informed consent has been obtained from the groups to include the email in this study.

Access to the data from BP and Shell was enabled by one of the authors’ involvement with the climate justice movement in the UK. This requires reflections on researcher bias and ethical implications (Alvesson and Willmot, 1992; Cresswell and Spandler, 2013). The insider research position was made possible by combining academic scholarship with longstanding political engagement in the climate justice movement (Uldam, 2013; Roseneil, 1995). While insider research provides rich insights into otherwise inaccessible organisations and environments, it also entails blind spots and shared sympathies (Plows, 2008; Rosen, 1991). Therefore, this research has required self-reflexivity and attention to taken-for-granted observations. The insider position has also had ethical implications. Civil society actors with an antagonistic position towards those in power often experience repression (Hintz and Milan, 2010). Therefore, informed consent has been obtained from all individuals whose FOI files are included in the article, and all individuals and groups have been anonymised. Finally, this research inevitably entails limits in terms of generalisation (Rosen, 1991). Indeed, our aim is not to suggest that BP’s and Shell’s responses to their critics are characteristic of all MNCs, or the oil industry in general. Rather, we wish to contribute to existing research on forms of (in)visible organising (Schoeneborn and Scherer, 2012; Scott, 2013), including covert corporate surveillance and spying practices (Lübbbers, 2011), which often lurk underneath the taken-for-granted surface of overt, corporate visibility strategies. More generally, such research on strategic (in)visibility can enhance our knowledge of the political role of corporations, including their capacity to navigate complex landscapes of allies and critics.

In exploring the cases of BP and Shell, we focus on their interactions with civil society in the UK. BP and the Shell Group are listed on the London Stock Exchange, and both are constituents of the FTSE 100. Therefore, much of their effort to manage their visibility centres on the UK. This is also the case when it relates

to issues in countries where the extraction takes place such as Nigeria (Barkemeyer and Figge, 2014). In the sections below, we first look at examples of overt visibility strategies. Next, we analyse examples of oil companies' covert responses to their critics.

Overt visibility strategies: transparency, sustainability and sponsorships

Since the late 1990s the extractive industries, and the oil industry in particular, have become an important site for overt corporate visibility management in at least three areas: corporate engagement in transparency initiatives on a global scale, corporate participation in broader sustainability activities, and corporate contribution to local sponsorship arrangements.

Visibility and transparency initiatives

Transparency in the extractive industries has been promoted as a viable remedy to deal with governance problems in resource rich countries. The Extractive Industries Transparency Initiative (EITI) was created in the early 2000s and launched by the UK government headed by Tony Blair. Its aim is to enhance transparency in the financial flows between governments and oil, gas and mining industries. As such, it is the product of a political environment in which visions of soft governance, market efficiency and corporate responsibility have become increasingly influential (Haufler, 2010; Gillies, 2010). Designed as a transnational multi-stakeholder partnership between government, business and civil society, the formal governance structure of the EITI includes a Board consisting of members from governments, companies and civil society. The oil companies BP and Shell joined the EITI as founding members.

The EITI is founded on the belief that transparency in the financial flows between companies (who pay royalties and taxes to governments) and the governments receiving these revenues will curb opportunities for rulers and officials to pocket money for their own use, and for companies to engage in related corrupt practices. Here, the EITI aims to set a *voluntary* standard for how the disclosure of these flows should be constructed. In this way, the EITI differs from an international convention where reporting of royalties and revenues are mandatory and non-compliance subject to legal sanctioning.

By late December 2014, the EITI had 48 countries implementing the standard. But the EITI also includes a supporting stakeholder base consisting of a) 17 governments of Western, industrialised countries; b) 110 of the largest oil, gas and mining companies in the world, the requirement being here that the company “publicly supports the EITI and helps to promote the standard internationally and in countries where it operates”; c) eight civil society organisations, including Publish What You Pay (PWYP) and Transparency International; d) eleven organisations and fora, including the OECD, G20, G8 and business associations such as the American Petroleum Institute; and e) 94 global investment institutions (eiti.org/supporters/investors).

Critics have pointed to several aspects of weaknesses to the EITI framework (Gillies, 2010). Among these we want to emphasise the voluntary approach to governance that underpins the EITI. It is this aspect that endows the EITI with post-political features. First, there are no effective sanction mechanisms for not complying with the standard of disclosure set up, except from being excommunicated from an arrangement. As such, the EITI is a ‘light touch’ approach to regulation, testifying to what some scholars have portrayed as the emergence of transparency as an international norm (Gillies, 2010). Second, it is characterised by a win-win rhetoric that backgrounds potential conflicts of interest between stakeholders. On its website EITI presents its benefits for companies, government and civil society. The listed benefits for companies emphasise “...enhanced relations with stakeholders and local communities, better risk management, improved company reputation and the opportunity to demonstrate industry leadership.” (eiti.org/supporters/companies). Offering voluntary possibilities for self-selected (partial) disclosure provides oil companies with opportunities for promoting themselves through partnerships and cooperation with NGOs. In this way, the EITI enables companies to appear as responsible corporate citizens.

Visibility and sustainability and sponsorship activities

Another form of overt management of visibility in the extractive industries relates to corporations’ growing participation in sustainability and sponsorship activities. The issue of sustainability has become important as a consequence of major environmental disasters and growing political and public attention to climate change, with civil society actors contesting the political economy and ethics of fossil fuel extraction. Most recently, this

has been evidenced in media coverage of BP's oil spill in the Gulf of Mexico and in reports of unethical practices (Du and Viera, 2012).

Both BP and Shell have responded to mounting criticism by establishing CSR departments, publishing sustainability reports and inviting NGOs to develop partnerships with them. Both companies withdrew from the Global Climate Coalition, a lobby group against reductions in greenhouse gas emissions, in 1997 and 1998, respectively (Livesey, 2002). Following Greenpeace's widely publicised critique of Shell's plans to dump the Brent Spar platform in 1995, Shell reversed its plans, and also embarked on a series of initiatives to create an image of the company as a good corporate citizen. This included launching an online forum where people could voice their opinions about Shell and ask questions (Accountability, 2005; Pickerill, 2003; Unerman and Bennett, 2004; Wheeler, Fabig and Boele, 2002) and adopting a discourse of 'eco-speak' (Livesey, 2001, p. 82). In a similar vein, BP was rebranded as "bp: beyond petroleum" in 2000, intended to conjure up an image of BP as an energy company rather than just an oil company (Beder, 2002).

These discourses on sustainability are an important part of oil companies' overt visibility strategies. As such they are complemented by sponsorships. The sponsorships that BP and Shell provide cover a wide range of activities, including conferences on climate change, educational initiatives, and cultural and sports related activities and events. Here, we focus on sponsorships of culture and sports. Such sponsorships constitute a popular strategy for companies to appear as conscientious corporate citizens (Bourdieu and Haacke, 1995). Over the course of the last two decades BP and Shell have been increasing their sponsorships of art and culture in the UK (Chong, 2012; Liberate Tate, 2012). BP has sponsored Tate, one of the leading galleries in the UK^{iv}, and the 2012 Olympics, including the Cultural Olympiad and the World Shakespeare Festival. The sponsorship involved the appointment of BP as Sustainability Partner of the Games. Shell has sponsored the Southbank Centre in London, including the Royal Festival Hall and the Queen Elizabeth Hall. This includes the Southbank Centre's Shell Classics International, an annual series of classical music. Together, transparency, sustainability initiatives and sponsorships help portray oil companies such as BP and Shell as good corporate citizens. This has led civil society groups to contest them as greenwashing, designed to divert attention from their business operations and their effect on the environment.

Civil society visibility: criticising overt strategies

Civil society groups and networks criticise oil companies' involvement in sponsorships and transparency and sustainability initiatives as measures taken to protect the companies' reputation and distract attention from the environmental and human consequences of their operations, (Den Hond and De Bakker, 2007; Du and Viera, 2012). Voluntary disclosure is considered an insufficient solution (Murphy, 2011). In the UK, for more than a decade, activist groups and organisations have provided critique specifically of oil companies' sponsorships. The criticism includes BP's "Deepwater Horizon" Gulf spill, plans to drill in the Arctic, Shell's alleged complicity in the execution of nine Nigerian activists in the 1990s, and toxic tar sands extraction in Canada which has been linked to exceptionally high rates of cancer and auto-immune diseases.^v

In bringing to the fore these practices and their consequences, the groups draw on different tactics. Despite their diverse organisational make-up and resources, the groups collaborate on their common causes as a part of the climate justice movement. In protesting against oil sponsorships of UK's cultural institutions, their repertoires for action are typically creative and innovative. In 2012 these included taking a 1.5 tonnes wind turbine blade to BP-sponsored Tate Modern's Turbine Hall as a gift,^{vi} pop-up performances of Shakespeare inspired scripts at the BP-sponsored Shakespeare exhibition at the British Museum and before the Royal Shakespeare Company's performances at the World Shakespeare Festival in Stratford.^{vii} The groups use a range of online platforms to gain visibility for their actions. These include both commercial and alternative online media: their websites, YouTube, Vimeo, Facebook, Twitter and IndyMedia. But also the oil companies are following their activities in these online media.

Covert visibility strategies: oil companies' responses to critics

The monitoring of civil society groups by the police has long been a concern among social movements (e.g. Uldam, 2013; Lübbers, 2011; Pickerill, 2003). However, it is not only the police who are monitoring civil society political activity. Also corporations engage in surveillance. This section analyses how two oil companies monitor civil society groups' activities, and their concerns about the visibility that the Internet affords them.

Signing up to the EITI can be seen as an overt strategy for companies to make certain aspects of their value chain visible. But they also use, covert strategies to eliminate the visibility of conflict from the public sphere. This helps sustain the image that the extractive industries constitute a post-political arena where win-win solutions such as the EITI are possible. Social media constitute the main arena in which corporate surveillance takes place. In emails obtained under the Data Protection Act, BP^{viii} report on the activities of their critics observed via social media, including Vimeo and Twitter. For example, an email with the subject line “Video of Reclaim Shakespeare Company at British Museum” identifies two members from the activist group that calls for the Royal Shakespeare Company to drop BP as a sponsor:

A video from Sunday’s British Exhibition [sic] ‘pop-up’ performance. <http://vimeo.com/46239547>

The usual crowd were part of the action. James Anderson was once again prominent and I think he, along with Sophie Harvey, are ones to keep an eye out for in particular over the next few weeks.

(BP email, 24 July, 2012, 13:08).

The identification of named individuals as “the usual crowd” shows that monitoring critics is part of BP’s regular stakeholder regime, as is the singling out of individuals for further monitoring. This is further illustrated in the following email subject line “Tar Sands meeting (not in London)”. The email both identifies individuals as BP’s “regular activists” and notes that the promotion of local alternatives to relying on tar sands can be expected to be taken up by the activists in question:

FYI – Tar Sands Network are holding a meeting in Oxford this Sunday

<http://tarfreetowns.org/news/launching-tar-free-oxford/> in what appears to generate more

members/increased interest in their issue which means that in all likelihood our regular activists

(Sophie Harvey, possibly Alice Gordon and James Anderson) are likely going to engaged [sic] with that. (BP email 2 August, 2012 17:08).

A similar concern with anticipating the visibility of criticism emerges in Shell's responses to an NGO employee who had been criticising the company for violating human rights in Nigeria. These responses are discussed in a series of emails with the subject line "Read when calm". As in the BP example above, specific individuals' social media activity is monitored in order to assess the potential of their criticism for gaining visibility. Again, there is no indication of any interest in listening to the criticism:

...[David Butler] has written a piece or two recently [links to two articles] I don't think we should respond, but I will ask the web watchers to keep an eye on retweeting etc. (Shell email, March 3, 2011, 9:38am)

Responding to the criticism is only considered necessary if the criticism has potential to gain visibility, e.g. through retweeting. Moreover, responding could trigger what is colloquially referred to as a shitstorm as it did when Nestle had a Greenpeace campaign video removed from YouTube (Etter and Vestergaard, 2015; Trittin, 2013). This concern is captured in a reply, discussing the extent to which the critical article has reached beyond the readership of the two platforms on which it was featured:

Agree that responding to this article in particular would raise the profile unnecessarily, especially as it was published in February 2010 and has apparently not generated much reaction: I ran the article through [redacted] to check if any bloggers have linked through to it on their blogs – there were no hits; and the comment section at the end of the article is empty. (Shell email, March 3, 2011, 12:14)

By turning a blind eye to criticism that does not seem to garner much visibility, more significant disruptions are avoided (Fleming and Spicer, 2003). In this way, the increased visibility afforded by the media, and especially the Internet, also increases the panoptic power of corporate actors. While it certainly makes corporations more vulnerable to the scrutiny of their critics, companies respond by highlighting self-selected benign aspects of their conduct, often on the basis of collaborations with uncritical stakeholders. This is part of their overt

strategies. Further, the panoptic properties of the Internet enable them to covertly monitor antagonistic stakeholders' and contain the visibility of their criticism. Both strategies contribute to concealing conflictual interests, providing leeway for companies to self-regulate.

Conclusion and perspectives

This article has investigated *overt* and *covert* corporate visibility strategies in the oil industry. In relation to the overt dimension we have demonstrated how overt responses to expectations of corporate responsibility can enable companies to construct an image of social responsibility and accountability. Self-selected aspects of their business operations are made visible and moral commitments are emphasised. In relation to the covert corporate visibility strategies, we have shown how BP and Shell try to maintain this image of responsibility by monitoring their critics.

Our analysis of overt visibility strategies draws on and feeds into the literature on different aspects of corporate branding, transparency and governance. It contributes to this work by (a) asking questions about the wider regulatory implications of corporate management of visibility in the age of the Internet, and by (b) highlighting changes in the regulatory landscape and the proliferation of soft governance. Our analysis of covert visibility strategies contributes to debates on the political role of the corporation by showing how corporations monitor their critics for the purpose of containing their visibility. We argue that such practices are problematic insofar as they serve to conceal oppositional views from public debate, creating an impression of a political arena characterised by consensus. From this vantage point, corporations' monitoring of criticism is not problematic per se. Indeed, it can be used to better understand and take into account the ways in which the business operations affect various stakeholders. Our contention is that monitoring specific individuals for the purpose of containing their criticism erodes the possibility of disagreement in public debate.

The cases in this article should not be taken to suggest that most MNCs' interactions – or indeed all of Shell's and BP's interactions – with their critics are characterised by surveillance and containment. Nonetheless, they are indicative of wider practices in the oil industry and beyond that require scholarly attention. For example, recent research on covert corporate intelligence practices shows that oil companies (e.g. Shell, BP, and E.ON) as well as arms trading, retail and food companies (e.g. Walmart, Kraft, Coca-Cola,

Nestlé, and McDonalds) monitor and sometimes infiltrate critical groups with a view to anticipate and contain their criticism (Lübbers, 2012; Ruskin, 2013). More research is needed not only to provide a more systematic, empirical picture of these practices, and to discuss and theorize their implications for the political role of the corporation, including the corporate practices of (de)legitimising particular stakeholder groups.

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ⁱ The Data Protection Act allows individuals to request copies of personal information that UK based organisations hold on them <http://www.legislation.gov.uk/ukpga/1998/29/contents>

ⁱⁱ All civil society actors have been anonymised.

ⁱⁱⁱ <http://www.ico.gov.uk>

^{iv} Tate includes the galleries Tate Britain, Tate Modern, Tate Liverpool, Tate St. Ives. BP’s sponsorship of Tate was renewed in 2011.

^v Platform (2012).

^{vi} http://www.vice.com/en_uk/vice-news/liberate-tates-the-gift-tate-modern-art-prank-bp

^{vii} <http://vimeo.com/46239547>, <http://bp-or-not-bp.org/news/british-museums-shakespeare-late-sees-surprise-anti-bp-performances/>

^{viii} The emails obtained under the DPA are from “relevant departments and individuals” within BP and Shell (processed by BP’s and Shell’s respective legal departments), but in most cases the senders and recipients of the emails have been redacted.